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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,517	08/13/2001	Hideo Takizawa	212671US2	7240

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

DAY, HERNG DER

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,517

Applicant(s)

TAKIZAWA, HIDEO

Examiner

Herng-der Day

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/10/05 and 6/7/05.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-10,16,21,25 and 26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1,3,4,6,8,9,16 and 26 is/are allowed.
6) ☒ Claim(s) 5,10,21 and 25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 07252005.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Applicant's Amendment ("Amendment") to Office Action dated February 10, 2005, mailed May 10, 2005, and Applicant's Supplemental Amendment ("Supplemental Amendment") mailed June 7, 2005.

1-1. Claims 16-26 have been added. Claims 2, 7, 11-15, 17-20, and 22-24 have been canceled. Claims 1, 3-6, and 8-10 have been amended. Claims 1, 3-6, 8-10, 16, 21, and 25-26 are pending.

1-2. Claims 1, 3-6, 8-10, 16, 21, and 25-26 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 10, 21, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3-1. Method claims 5 and 21 comprise one of two steps. When the second step is selected for practice the invention the recited limitations of "said data" and "said non-model zone" in the second step appear to have insufficient antecedent basis for the above mentioned limitations in the claim.

3-2. Medium claims 10 and 25 comprise a program performing one of two steps. When the second step is selected for practice the invention the recited limitations of "said data" and "said

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non-model zone” in the second step appear to have insufficient antecedent basis for the above mentioned limitations in the claim.

Allowable Subject Matter

4. Claims 1, 3, 4, 6, 8-9, 16, and 26 are allowed. Claims 5, 10, 21, and 25 would be allowable if the above rejection under 35 U.S.C. 112, second paragraph, is overcome.

Applicant's Arguments

5. Applicant argues the following:

(1) “for the degrees of freedom that do not correspond to the imaginary cutting plane, non-zero coefficients are set in the same manner as shown in Figure 5A” (page 12, paragraph 1, Amendment).

(2) “Applicants respectfully submit that the rejections of the claims under 35 U.S.C. §112, second paragraph, are rendered moot by the present amendment to the claims” (page 12, paragraph 2, Amendment).

(3) “Applicants respectfully submit that the rejections of the claims under 35 U.S.C. §101 are rendered moot by the present amendment to the claims” (page 12, paragraph 3, Amendment).

(4) “Claim 1 has been amended to incorporate the limitations recited in Claim 2”, “Claim 6 has been amended to incorporate the limitations recited in Claim 7”, and “Claim 16 has been amended to incorporate the limitations recited in Claim 17”, (page 10, paragraph 3, Supplemental Amendment).

Response to Arguments

6. Applicant's arguments have been fully considered.

6-1. Applicant's argument (1) is persuasive. The rejection of claims 1-15 under 35 U.S.C. 112, first paragraph, in Office Action dated February 10, 2005, has been withdrawn.

6-2. Applicant's argument (2) is persuasive. The rejection of claims 1-15 under 35 U.S.C. 112, second paragraph, in Office Action dated February 10, 2005, for indefiniteness has been withdrawn.

6-3. Applicant's argument (3) is persuasive. The rejection of claims 1-15 under 35 U.S.C. 101, in Office Action dated February 10, 2005, has been withdrawn.

6-4. Applicant's argument (4) is persuasive. The rejection of claims 1, 3-6, 8-11, and 13-15 under 35 U.S.C. 102(b)/103(a), in Office Action dated February 10, 2005, has been withdrawn.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100..

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jean R. Homere can be reached on (571) 272-3780. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Herng-der Day *H.D.*
July 25, 2005

Thayphan
Thai Phan
Patent Examiner
AU: 2128